



**VILLAGE OF WAUSAUKEE
SPECIAL VILLAGE BOARD MEETING
TUESDAY, NOVEMBER 7th, 2017
WAUSAUKEE VILLAGE HALL
428 HARRISON AVENUE**

7:00 PM

MINUTES

1. Call to Order – President Radtke called the meeting to order at 7:01 pm. Trustees in attendance were Kyle Stumbris, Mack McKim, Ray Gordon, Randy Schmidt, and Pat Tracy. Also present were Clerk/Treasurer Sara Pullen and WWTP Operator Lonnie Bamberg. Trustee Joleen Christ was excused.
2. Pledge of Allegiance
3. Approval of Agenda – Gordon made a motion seconded by McKim to approve the agenda as printed. Motion carried.
4. Discuss/Consider – WWTP laboratory testing and documentation violations. Action, if any. – President Radtke stated that Jeff Mayou had been at the plant on Thursday, November 2nd to perform a mock lab audit. On Sunday, November 5th, 2017, Mayou and Radtke met with Bamberg to discuss Mayou’s findings, and resulting concerns. A complete report on Mayou’s findings is attached as Exhibit A. On Monday, November 6th, 2017, a teleconference was held in the Clerk’s office between Rick Mealy, DNR, Radtke, Bamberg, and Pullen. The following is a summary of the events of those three days:

Thursday, November 2nd

- Mayou attempted to look over the most recent bench sheets (Sept and Oct) for TSS (Total Suspended Solids) and BOD (Biochemical Oxygen Demand) testing. These tests are required per the WPDES permit. The bench sheets were not found.
- There were indications that the tests were not being run, yet monthly reporting on the DMR’s was recorded.
- YSI Multilab was inoperable so historical calibrations could not be viewed.
- Mayou contacted Radtke to set up a meeting with Bamberg.

Sunday, November 5th

- Mayou, Radtke, and Bamberg met at the WWTP to discuss the findings of the mock audit.
- Mayou asked Bamberg to produce the missing bench sheets – he admitted that no such bench sheets exist.
- Mayou asked Bamberg if he had performed any analysis since Mayou relinquished overseeing the WWTP – Bamberg admitted that he hadn’t.
- Mayou told Radtke that he must report these findings immediately to Rick Mealy, DNR.

Monday, November 6th

- Radtke, Bamberg, and Pullen had a teleconference with Mealy to inform the DNR of the violations that had occurred at the WWTP lab.
- Bamberg made the following admissions:
 - He had not performed BOD testing per the WPDES permit for ‘a while’
 - He had not performed TSS testing per the WPDES permit
 - He falsified test results on the monthly DMR report
 - He did not send in the cert sample on time, thus the lab has not been certified since 9/1/17
- Mealy stated that not doing BOD’s would result in a notice of non-compliance, but falsification of documents is a much more serious offense. He stated that the Enforcement Committee will most likely issue an immediate notice of violation and schedule a monitoring visit to perform an investigation.
- Moving forward, Mealy gave the following suggestions:
 - Document all events leading to the discovery of the violation, and all events pertaining to the WWTP laboratory hereafter
 - Outsource all testing from this point forward
 - pH and DO testing can still be done in-house
 - Hold a Special Board meeting to address the violations and work toward a solution to correct them. He stated that Bamberg’s honesty in coming forward will look better to the Enforcement Committee and expedite their investigation.
- Mealy stated that the ramifications of these violations may include:
 - The WWTP lab losing all laboratory credibility
 - Bamberg may have his license revoked

The Board reviewed the report from Mayou and listened to the recording of the teleconference. Several Board members asked Bamberg why he didn’t do the testing as required. He stated that he was in over his head and was cutting corners to buy time. When asked how long this had been going on, Bamberg stated, “About a year.”

McKim made a motion seconded by Gordon to outsource all testing that requires certification from this point forward. Motion carried.

Stumbris made a motion seconded by Gordon to continue to perform all non-certified testing in-house. Motion carried.

5. Discuss/Consider – Convene to closed session per Wis. State Statute 19.85 (1) (c) to discuss employee disciplinary actions. Roll call vote. Action, if any. – Stumbris made a motion seconded by Gordon to convene to closed session per Wis. State Statute 19.85 (1) (c) to discuss employee disciplinary actions. A roll call vote was performed. Stumbris, yes; McKim, yes; Radtke, yes; Gordon, yes; Schmidt, yes; and Tracy, yes. Motion carried.
6. Reconvene in open session to consider possible follow up to closed session. – As a result of closed session, Gordon made a motion seconded by McKim as follows:
 - a. Terminate Lonnie Bamberg’s employment with the Village of Wausaukee as of 12/31/17. Reasons for termination include falsification of documents and violating reporting requirements of the WPDES permit. A termination letter will

be personally delivered to him on 11/8/17 by McKim and Gordon. A write-up shall be placed in his personnel file.

- b. W/S Committee Chairman Mack McKim, or a member of the Board in his absence, shall conduct daily monitoring visits to the WWTP.
- c. Mayou shall conduct weekly monitoring visits to the WWTP.
- d. Advertise for a new licensed WWTP Operator at \$19.00 per hour.

Motion carried.

The Board did not feel that terminating Bamberg's employment immediately was an option due to the financial burden it would put on the tax payers.

- 7. Motion to Adjourn – Tracy made a motion seconded by McKim to adjourn the meeting at 9:03 pm. Motion carried.

Submitted by SP

November 2, 2017
Wausaukee WWTP Mock Lab Audit

I arrived at the lab at 3:40 pm to evaluate:

- Lab equipment
- Temperatures
- Calibrations (Barometer, Analytical Balance)
- Bench sheets (past year)
- Logs (Chemical/Product purchases and use)
- Quarterly QC Results

An actual WDNR Lab Audit will consist of a substantial amount of question and answer but this is being done at the request of the village to correct observed mistakes without discussion or communication with the current laboratory technician. To complete the audit checklists, a question and answer session would be required.

The following observations were made:

The first line of order was to look over the most recent bench sheets for, at the minimum, total suspended solids (TSS) for September - October, 2017 since I was unsure the status of the BOD certification - bench sheets for those two months were not found. I scanned thru the NLS chain of custody (COC) for recent sample shipment and did not see anything for TSS but found 10/30 and 11/2 for BOD.

I proceeded to scan over January-August and with nearly 30yrs of lab testing at Wastewater facilities the following observations were made with comment:

Total Suspended Solids

- Influent TSS results are nearly half of the BOD results on each given day (Rule of thumb - TSS averages between 110-150% greater mg/l than BOD in normal domestic waste)
- Drying oven thermometer has not been calibrated or replaced (annual certification or replacement with a certified thermometer is required)
- Balance has not been checked monthly with certified weights - new NR149 rule will require at least one mg weight be used to check the balance on a monthly basis
- Desiccant in the desiccator is pink (replacement or recharging is required)
- No current bench sheet or TSS sample refrigerated (a COC was filled out and samples sent to NLS for BOD only)

Biochemical Oxygen Demand

- Blank depletion always within 0 - 0.03mg/l deviation (range of deviation allowed is 0 +/- 0.24mg/l)
- Glucose/glutamic acid (GGA) results nearly perfect (a wide range of variables cause GGA results to skew one direction or another from the true value of 198mg/l due to the actual analysis being a bioassay with varying results)
- Purchases of GGA and BOD water nutrients are void since August of 2016 - possibly used other GGA STD but no evidence in the chemical log
- Daily BOD carboy heavily stained

Other notes:

- YSI multi was inoperable to switch between pH and Dissolved Oxygen, therefore the historical calibrations could not be viewed - a firmware update may fix this issue but service may be required.

Conclusion:

A subsequent visit with Mr. Bamberg, and possibly a board member, for question and answer to conclude findings is required.

I contacted Mr. Radke prior to leaving the facility and requested Mr. Bamberg's presence at his earliest convenience, including a member of the village board. He agreed to meet with me and Mr. Bamberg prior to Monday, November 6, 2017.

Sunday, November 5, 2017 I was contacted by Mr. Radke at approximately 2:00 p.m. requesting to meet, but I was unavailable until later that evening. I contacted him (after hunting) and agreed to meet him and Mr. Bamberg at the WWTP lab at approximately 6:00 p.m. Upon arrival, Mr. Radke informed me that Mr. Bamberg could not be contacted so he agreed to try one last time, or we would just discuss my assumptions. Mr. Bamberg answered and agreed to come to the lab; he arrived at approximately 6:30 p.m.

Order of events:

- I informed Mr. Bamberg that I was conducting a mock lab audit at the request of the village board, which in fact Mr. Bamberg and I had discussed a few months ago would be beneficial to prep for the next actual DNR Lab Audit.
- I began outlining the format of the audit discussing each bullet on the DNR audit checklist. To help with this, I requested the last 2 months of lab data to review as the checklist was being completed.
- Mr. Bamberg paused and asked that I start with the filed bench sheets because he left the others at home.
- I asked why they were there and he replied, "To work on them while on vacation."
- Mr. Radke to Mr. Bamberg "We will wait while you run home to get them."
- Mr. Bamberg started to collect other paperwork including blank bench sheets, monthly charts, sampler logs, and any other forms that had already been reviewed while I asked him a few questions regarding temperature, sample handling, and a few other things on the check list.
- Mr. Bamberg left with the paperwork he had collected
- While Mr. Bamberg was "retrieving the bench sheets" I pulled 2017 monthly bench sheets, chemical logs, and active opened reagents.
- Mr. Bamberg arrived back approximately 10 minutes later informing us that the bench sheets were in his travel partners suitcase.

Conversation with Mr. Bamberg including Mr. Radke:

- I explained to him that I had reviewed the 2017 bench sheets while he was gone; and that in my nearly 30-year career performing lab duties, I had never seen such clean and perfected consistent penmanship on raw data bench sheets. Mr. Bamberg replied, "I've been working hard at being neat."
- I then asked if the BOD reagents are the reagents he used for the BOD test since they are dated opened over a year ago with ample supply of reagents remaining. He replied that he used different reagents but forgot to log them in.
- I informed him that we would have to talk with Sara to get the invoices for the orders. I started calculating the amount of reagents ordered vs used to confirm.
- Mr. Radke asked Mr. Bamberg if the invoices would jive. Mr. Bamberg replied, "They should."

- I then gave him the approximate amount of reagents that should have been purchased including 4 - 50 packs of 300 ml BOD nutrients, 3 GGA STD's, and at least one more 3ltr BOD nutrients and asked if he agreed. He replied, "Yes."
- I asked him if Sara will have invoices for these orders. He replied, "No."
- I asked if there are actual bench sheets for September and October 2017 for BOD and TSS. He replied, "No."
- I asked if he performed any analysis since I relinquished overseeing the plant and lab in late 2016. He said no.
- Mr. Radke then asked what is our next step?
- I informed them that since I'm still employed by the village that it's my obligation to inform the department (DNR) of my findings, but as the Village President he is welcome to follow up immediately Monday morning. He assured me this was going to be done.
- Mr. Radke then asked what's going to happen. I told them both that I wasn't sure, but the department would follow up with their own investigation, possibly pull the current certification, and possibly pull Mr. Bamberg's license.
- I then asked Mr. Bamberg what happened. He replied, "I guess I'm just over my head."

I concluded by telling them both to make sure this is reported to Rick Mealy, DNR immediately and assured them Mr. Mealy would contact me to confirm the conversation and we will go from there. I left Mr. Radke and Mr. Bamberg at approximately 7:20 p.m.

Submitted by Jeff Mayou
November 7, 2017